REMARKS/ARGUMENTS

These remarks are offered in response to the Final Office Action of November 24, 2006 (hereinafter Office Action). This response is filed within the 3-month shortened statutory period, and as such, no fees are believed to be due. However, the Office is expressly authorized to charge any deficiencies and credit any overpayments to Deposit Account 50-0951.

Claims 1-3, 5-8, 10-13, and 15 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2003/0053449 to Owens *et al* (hereafter Owens). Claims 4, 9 and 14 were rejected under U.S.C. § 103(a) as being unpatentable over Owens in view of U.S. Patent No. 6,788,705 to Rango (hereafter Rango).

Applicants have amended independent Claims 1, 6, and 11 to further emphasize certain aspects of Applicants' invention. Claims 3 and 13 have also been amended to maintain consistency among the claims. The claim amendments, as discussed herein, are fully supported throughout the Specification. (See, e.g., Specification, paragraph [0029], at page 10) No new matter is introduced by the claim amendments.

Applicants' Invention

It may be helpful at this juncture to reiterate certain aspects of Applicants' invention. One embodiment of the invention, typified by Claim 1, as amended, is a method of automatically prompting a Digital Subscriber Line (DSL) provider to resolve a DSL communication link failure with a subscriber DSL modem. The method can include detecting a failure of the DSL line or communication link with a subscriber DSL modem. The method further can include the subscriber modem or computer system automatically establishing a telephone call over a public switched telephone network to an administrative system of the DSL provider in response to detecting the failure and notifying the administrative system of the failure over the established call. The administrative system subsequently can cause the DSL communication link to the

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subscriber modem to be reset, for example, by resetting a DSL provider modem. (See, e.g., Specification, paragraphs [0021]-[0023], at page 8; see also FIG. 2, steps 205-225).

The method also can include storing notification information received by the administrative system and/or information generated by the administrative system relating to a course of action implemented by the administrative system in response to the notifying step, the information being stored in a data store connected to the administrative system. (See, e.g., Specification, paragraphs [0019]-[0020], at page 8; see also FIG. 1, especially elements 125 and 130, and FIG. 2, step 230).

As noted in the Specification, one motivation of the invention is to mitigate a DSL subscriber's frustration with being unable to determine the nature or extent of the DSL communication link failure. (See, e.g., Specification, paragraph [0005], at pages 2-3.) Accordingly, the resolving of the DSL communication link failure can include providing a subscriber with notification of when restoration of the DSL communications link can be expected and/or the cause of the DSL communication link failure. (See, e.g., Specification, paragraph [0028], at pages 9-10, and FIG. 2, step 235.) According to one particular embodiment, the administrative system can be configured to delay subscriber notification a pre-determined amount of time after being notified of the failure and providing the notification only if the DSL communication link has not already been restored after the passage of the predetermined amount of time. (See, e.g., Specification, paragraph [0029], at page 10.)

The Claims Define Over The Prior Art

As already noted, independent Claims 1, 6, and 11 were deemed to be anticipated by Owens. Owens is directed to a method for a remote server to remotely communicate with a broadband modem to diagnose errors associated with the broadband modem. (Abstract, lines 1-2; see also paragraph [0019], at page 2.) With Owens, when a communication error is detected on the broadband modem, a Plain Old Telephone System (POTS) connection is established between the broadband modem and a remote

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server. Owens provides a communication comprising Dual-Tone Multi-Frequency (DTMF) tones between the remote server and the broadband modem via the POTS connection, the communication conveying information associated with the communication error. The remote server of Owens subsequently diagnoses and attempts to correct only errors associated with the broadband modem via the POTS connection. (Paragraphs [0019]-[0022], at page 2; see also paragraphs [0057]-[0071], at pages 4-5, and paragraphs [0081]-[0086], at pages 5-6.)

Applicants respectfully submit that Owens fails to teach each and every feature recited in Claims 1, 6, and 11, as amended. First, Owens fails to teach that responsive to an administrative system of the DSL provider receiving a notice of a DSL communications link error, that the administrative system causes the DSL communication link to a subscriber DSL modem to be reset. Owens discloses that in response to receiving a notice of a DSL communications link error, a signal can be sent to the subscriber DSL modem to cause it to be reconfigured (see, e.g., paragraph [0084], at page 6), but does not disclose causing any other components, such as the DSL provider modem, to be automatically reconfigured or reset. In contrast, the present invention, upon receipt of a notice of a DSL communications link error, automatically resets the DSL communications link by resetting one or more components of the DSL provider, such as the provider DSL modem. In other words, the present invention, unlike Owens, describes systems and methods for correcting and diagnosing errors in components of a DSL system *other than* the subscriber DSL modem.

Second, it is asserted on the bottom of page 2 of the Office Action that the system and method of Owens has been shown in the Office Action of June 23, 2006, to anticipate transmitting a message which includes estimated restoration time information to a subscriber. In particular, the Office Action of June 23, 2006, states in paragraph 2 in regard to Owens anticipating the step of sending a message to the subscriber:

"In particular, the diagnosis transmitted to the client in step 446 of figure 4B anticipates 'a message informing a subscriber to the DSL of when

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resumption of service over the DSL is expected.' [T]he diagnosis is sufficient for informing a subscriber of how long it will take a service to resume its normal operation. Further, the diagnosis is determined as claimed in steps 438 and 444."

Applicants respectfully submit any message provided under the teachings of Owens cannot include a notice of resumption of service as claimed in the present invention. As previously discussed, Owen is directed to methods and systems for diagnosing errors in the broadband modem, not to diagnosing errors in a remote server or in other components necessary for a successful DSL communication link. As a result, Owens discloses only diagnosis of errors in the subscriber DSL modem, reconfiguration information for the subscriber DSL modem, and/or instructions for other user action. (See, e.g., paragraph [0084], at page 6.) Therefore, because Owens provides no information regarding failures outside the user's control, it follows that such a notice cannot provide any notice regarding how soon service would be restored when due to components outside the user's control. In contrast, the present invention is directed to diagnosing and correcting errors in these other components required for the DSL communication link, such as a provider DSL modem. As described, the present invention enables identification of the other components causing the DSL communications link failure, such as the provider DSL modem, and such identification can be forwarded to the user along with an expected service restoration time if for some reason the components cannot be reset immediately by the administrative system.

Third, Owens fails to teach or suggest sending such a message only if service has not been restored within a predetermined amount of time after the error was reported to the administrative system. In the Office Action, on page 3, it is asserted that paragraph [0066] of Owens discloses the message is transmitted after a predetermined amount of time elapses. However, Applicants submit that the time interval disclosed in Owens is more accurately characterized as a time interval to wait before undertaking a diagnosis of errors, not a time delay for determining whether it is appropriate to send a message.

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Furthermore, Applicants respectfully submit that as a result, Owens fails to disclose that a failure in the DSL communications link would be automatically corrected upon detection of failure. Rather, with Owens, any attempt to identify or correct the error is delayed. (See, e.g., FIG. 4b, especially step 428). In contrast, the present invention can be configured to immediately attempt to correct an error upon detection of a DSL communication link error without any delay.

Accordingly, Owens fails to teach or suggest every feature recited in independent Claims 1, 6, and 11, as amended. Applicants thus respectfully maintain that amended independent Claims 1, 6, and 11 define over the prior art. Applicants further respectfully maintain that, whereas each of the remaining dependent claims depends from one of the amended independent claims while reciting additional features, dependent Claims 2-5, 7-10, and 12-15 likewise define over the prior art.

CONCLUSION

Applicants believe that this application is now in full condition for allowance. Allowance is therefore respectfully requested. Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this Amendment, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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